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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,204	08/05/2003	Kim Marie Clark	WOOK102	6832
21658 7590 01/28/2008 DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 BOISE, ID 83701-0877			EXAMINER AHMAD, NASSER	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,204

Applicant(s)

CLARK, KIM MARIE

Examiner

Nasser Ahmad

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Finality Withdrawn

1. Applicant's request for reconsideration, filed on 1/10/2008, of the finality of the rejection of the last Office action, mailed on 10/15/2007, is persuasive and, therefore, the finality of that action is withdrawn.

Rejections Withdrawn

2. Claims 5-10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackburn (5190533) ade in the Office Action of 10/15/2007 been withdrawn in view of the amendment filed on 1/10/2008.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5-9 and 20 are have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 5-6, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by DeMoore (5979322).

DeMoore relates to (for claim 5) a system comprising a linear object selected from the group consisting of electrical cords, chandelier chains, and pipes (cylinder in figure-2 is interpreted to be a pipe), a lengthwise strip of fabric (68) having a rectangular structure (as shown in figure-4) area and as shown in figure-1, a first and second elastic strips (because the fabric is elastic as it is pre-stretched and it's edges are interpreted to be elastic strips) are hemmed along the first and second lengthwise edge of the fabric with a gathered configuration, a strip of pressure sensitive adhesive tab (70A) is adhered to said strip of fabric substantially along said first lengthwise edge, and if the fabric is not pre-stretched it will have a gathered configuration.

The intended use phrases such as "**for decoratively covering** a linear object", "said... adhesive... **to be selectively adhered**...widthwise edge", etc. have not been given patentable weight because said phrases are not found to be of positive limitations.

For claim 6, the adhesive (70A) is a transfer tape as it is adhered to the fabric surface.

For claim 8, the adhesive tape is reusable because said covering can be easily replaced (DeMoore, col. 12, lines 15-18).

As for claim 9, the adhesive tape of DeMoore is discontinuous because it is provided at two different locations such as **70A** at **70G** and **70T**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 7, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMoore as evidence by Blackburn.

DeMoore, As discussed above, fails to teach the presence of a liner covering the adhesive surface. It is well known and conventional in the adhesive art to provide an adhesive surface with a release liner covering to protect the adhesive from adverse conditions such as dirt, etc as is evidenced by Blackburn, #39b. Therefore, it would have been obvious to one having ordinary skill in the art to modify DeMoore 's adhesive surface to have a release liner protecting the adhesive surface from adverse conditions. The intended use phrases such as "**for decoratively covering** a linear object", "said liner **selectively removable**...widthwise edge", etc. have not been given patentable weight because said phrases are not found to be of positive limitations.

For claim 2, the adhesive tape is reusable because said covering can be easily replaced (DeMoore, col. 12, lines 15-18).

For claim 3, the adhesive tape of DeMoore is discontinuous because it is provided at two different locations such as **70A** at **70G** and **70T**.

Regarding claim 7, the transfer tape is well known to have a removable liner (39b as evidenced by Blackburn) on said fastening side to thereby assist in preserving adhesive properties of said pressure sensitive adhesive.

For claim 8, the adhesive tab is reusable a limited number of times because it adheres to a reusable surface. Further, it is well known in the diaper art to use reusable adhesive tabs as evidenced by Rogers (USP 5569229, in col. 3, lines 5-10).

Similarly, for claim 9, figure-1, shows that the adhesive tape is discontinuous.

As for claim 10, it has been addressed in the rejection of claim 5 hereinabove.

Regarding claim 20, the fabric in Blackburn is shown to be generally rectangular as shown in figure-1.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-3, 5-9 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5 and 20, as stated, is found to be vague as to the location of the (1) first and second widthwise strips with respect to each other and the lengthwise strips, (2) the location of the lengthwise strips with respect to each other and the two widthwise strips, (3) location of the elastic strip with respect to the interior and exterior side of the fabric, (4) location of the PSA strip with respect to the edges and the elastic strip.

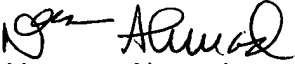
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad
Primary Examiner
Art Unit 1794
1/24/08

N. Ahmad.
January 24, 2008